

EXHIBIT E

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

IN RE: MERCK & CO., INC.
SECURITIES, DERIVATIVE &
"ERISA" LITIGATION

APR - 9 2013

MISCELLANEOUS ACTION

MICHAEL E. KUNZ, Clerk
By Dep. Clerk

No. 13-25

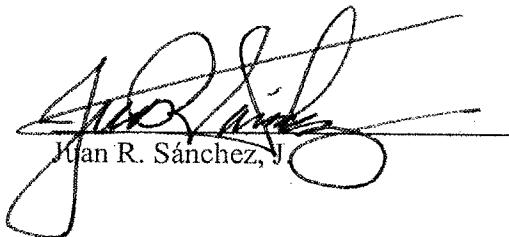
ORDER

AND NOW, this 9th day of April, 2013, it is ORDERED Movant Garrett A. FitzGerald, M.D.'s Motion to Quash Subpoena or, In the Alternative, For Protective Order (Document 1) is GRANTED in part and DENIED in part as follows:

1. Dr. Fitzgerald shall submit to the fact deposition noticed by Plaintiffs in the underlying Multidistrict Litigation;
2. Plaintiffs' interrogation of Dr. Fitzgerald at the deposition is limited to fact issues;
3. Plaintiffs may not pose questions that solicit expert testimony, e.g., questions seeking opinions from Dr. Fitzgerald about scientific or medical matters. This Order applies, but is not limited to, Dr. Fitzgerald's knowledge regarding research, studies, and data relating to VIOXX; and
4. Dr. Fitzgerald's request to quash the subpoena is denied.

The Clerk of Court is DIRECTED to mark this case CLOSED.

BY THE COURT:



Juan R. Sanchez